



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,465	01/18/2005	Tadayoshi Iijima	264507US0PCT	2229

22850 7590 07/20/2006

C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ZIRKER, DANIEL R

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/521,465	IIJIMA ET AL.	
	Examiner	Art Unit	
	Daniel Zirker	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/18/05</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 1771

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, there are a few translation related informalities in the claims which need to be corrected; the Examiner will attempt to point them out but some may be overlooked and applicants are urged to correct them, together with those pointed out by the Examiner. In the independent claims 1 and 9 the "curable component" present in the adhesive is vague and indefinite, and throughout the claims the boundaries of the "high" and "low" refractive indexes (i.e. can the ranges partially overlap as presumably the "high" index is always greater than the "low" refractive index?) are unclear. Also, "active energy ray-curable" and "active energy rays" might be more desirably stated as, e.g. "radiation curable". In claims 8 and 16 the phrase "has been transferred and formed via the adhesive layer" is also considered informal.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-338306 machine translation (Abstract, Claims, Detailed Description) taken in view

Art Unit: 1771

of JP 06-157791 machine translation. JP '306 discloses (as applicants admit, specification, page 3) a transfer material for an antireflection charge controlling plate formed by a siloxane resin layer (the low refractive index layer) formed on a releasable base film, a high refractive index layer thereon which is formed by a fine metal oxide particle containing layer, and an adhesive layer formed on this layer which may be an emulsion resin comprising an acrylic resin or the like. The resulting antireflection layer formed by utilizing this transfer material unfortunately has a lower solvent resistance than those antireflection layers formed by sputtering. The secondary reference, JP 06-157791 machine translation (as above), however, discloses (note particularly the Abstract, paragraphs [0005], [0017], [0026]) an article having a hard coat layer which exhibits excellent adhesion to a film, the adhesive layer including a suitable amount of a cellulosic resin such as nitrocellulose which (Abstract) functions as a solvent drying resin when, e.g. it is applied to a triacetyl cellulose film, and also a conventional radiation "curable component". Accordingly, one of ordinary skill, motivated by an expectation of improved solvent resistance and improved optical properties in the resulting treated film would incorporate a suitable amount of such a cellulosic resin together with the aforementioned conventional radiation curable component and thereby form, or clearly render obvious, the claimed genus of antireflection films for transfer and accompanying articles. With respect to those variables not either expressly or inherently disclosed, such as the presence of such cellulose resin esters as cellulose acetate butyrate and/or cellulose acetate propionate, as well as the specific range of proportions of the various ingredients, these are each believed to be obvious selections

Art Unit: 1771

to one of ordinary skill in the cellulose resin adhesive based art, in the absence of unexpected results.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note also the partial machine translations of JP Publication 09-302144 and 07-294740, and the Examiner has also made of record copending Application SN 10/521,757, cited by applicants, as the submitted IDS mentioning this document did not have a Form 1449..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday - Thursday from 8:30 to 6:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571 - 272 - 1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/521,465

Page 5

Art Unit: 1771

Daniel Zirker
Primary Examiner
Art Unit 1771

Daniel Zirker